

In The United States District Court For The
Middle District Of Tennessee For Davidson County

Herman Moreno

Plaintiff

Civil Action No. _____

v.

Jury Trial Requested

Core Civic,
Grievance Chairperson
Christina Christian,
Chief Kyla Mitchell,
Lieutenant Nyachong Manday,
Sergeant Benjamin Dyer,
John and Jane Doe etc.

Defendants

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US DISTRICT COURT
MID DIST TENN

Complaint For Violation Of Civil
Rights Pursuant To 42 U.S.C. § 1983

I. Parties

A. Plaintiff

1. Herman Moreno #415631 TTCC/Core Civic
140 Macon Way Hartsville, Tenn. 37074

B. Defendants

1. Core Civic contracts with Tennessee to warehouse state prisoners, they are responsible for hiring and training their employees. Core Civic is sued in its individual and official capacity 140 Macon Way Hartsville, Tenn. 37074 or 5501 Virginia Way Suite 110 Brentwood, Tenn. 37027 (Corporate Main Office)
2. Grievance Chairperson Christina Christian is employed by Core Civic and works at Transdale Turner Correctional Center (TTCC) 140 Macon Way Hartsville, Tenn. 37074. Her job is to review grievances and to process them through three different levels. She is being sued in her individual and official capacity.
3. Chief Kyla Mitchell is employed by Core Civic and works at TTCC 140 Macon Way Hartsville, Tenn. 37074. Her job is to make sure the prison, and the prison inmates are safe. That TDOC policies

are followed as well as the United States Constitutions are followed. (U.S.C.). She is sued in her individual and official capacity.

4. Lieutenant Nyachong Munday is employed by Core Civic and works at TTCC 140 Macon Way Hartsville, Tenn. 37074. Her job is to supervis staff under her and to make sure the inmates in Alpha Building are safe, and that policy is followed. She is being sued in her individual and official capacity.
5. Sergeant Benjamin Dyer is employed by Core Civic and works at TTCC 140 Macon Way Hartsville, Tenn. 37074. His job is to work in Alpha Building Echo pod, Close Custody on April 21, 2025, and to make sure the inmates in this pod are supervised per TDOC policy #506.14(VI)(E) Tier Management, that he stays in the pod during recreation time and to make sure these inmates are safe. He is sued in his individual and official capacity.

II. Jurisdiction

A. Jurisdiction is asserted pursuant to 42 U.S.C. §1983. Jurisdiction is also invoked pursuant to 28 U.S.C. §1331(a)(3).

III. Previous Lawsuit

A. None

IV. Exhaustion

Plaintiff Herman Moreno has filed his first grievance on 4/28/25. Exhibit F is both his first ~~and second~~ and second grievance filed on May 21, 2025.

V. Cause of Action

Plaintiff Herman Moreno believes his First, Eighth and Fourteenth Amendments to the United States Constitution has been violated when the defendants ignored TDOC policy #506.14 Tier Management that caused the plaintiff to be seriously assaulted, and to refuse to process his grievance to exhaust his administrative remedies.

VI. Statement Of Facts

1. On or around Feb. 8, 2025 the black inmates stabbed a white guy in Alpha Building Echo pod (AE) cell 216, after the pod Sergeant let them into inmate Jeremiah Key #402068 cell.
2. On or around Feb. 11, 2025 the black inmates stabbed another white guy name Ricky Vickers #521684, and stomped on him for about five minutes before the guards came back into AE to separate these inmates.
3. See Exhibit B Memo dated Nov. 13, 2024 on Tier Management and Exhibit C dated Dec. 4, 2024 Rules and Expectations on Tier Management, and last Exhibit D TDOC policy #506.14(VI)(E) and Core Civic policy #506.14-APS(III)(H) on Tier Management.

... Tier Management Supervision ... Inmates shall be allowed out of their cells for dayroom activities by tier/walk as determined by the institutional policy; however, inmates housed on the upper and lower tier/walk shall not be allowed out of their cells for pod/dayroom activities at the same time.

4. On April 21, 2025 the black inmates started saying the Mexicans were racist, and President Trump was doing right by deporting the Mexicans out of the United States to Salvador.
5. Sgt. Dyer unlocked the cell doors to both the Top and Bottom tier in violation of TDOC/Care Civic policy #506.14.
6. While Sgt. Dyer was unlocking the cell doors the black inmates were saying today is the day they were getting rid of the Mexicans.
7. As soon as Sgt. Dyer left AE pod leaving the pod unsupervised in violation of TDOC policy #506.14. The black inmates started rigging the front door of AE pod so no-one could get in or out of AE pod.
8. The Mexicans in AE tried to ignore the black inmates by working-out, taking a shower and then started playing cards after 10:00 a.m. count. There was tension that was undeniable, with the black inmates, towards the Mexicans.

9. There are only three Mexicans in AE, Plaintiff Herman Moreno, Henry Hendez #566748 and Jose Andres #473741
10. While playing cards one of the black inmates asked to speak with Henry Menderz, Mr. Henan Moreno walks with him to see what the black inmate wants, because of the tension.
11. The black inmates are steadily circling us Mexicans and making racist remarks with threats to harm us. Mr. Menderz hits one of the black inmates after he said he was going to kill Mr. Menderz.
12. This black inmate swung a hatchet at Mr. Menderz. Several other black inmates pulled out knives and ran towards us three Mexicans, and started stabbing and hitting us with the hatchets.
-
1. This hatchet was cut out from one of the bunks

13. This started in the middle of AE pod. The black inmates yelling "This is War". Stabbing and hitting us with the hatchets.
14. We ended up at the back of AE pod in a corner so these black inmates couldn't attack us from behind. As we were in this corner more black inmates came and started stabbing us and hitting us with hatchets.
15. Mr. Mendez was hit with a hatchet on the side of the head, leaving his scalp dangling in the wind. He received 20 staples and was stabbed 5-times.
16. When Mr. Mendez went down from being hit in the head with the hatchet Mr. Jose Andres pulled him closer to him and used his body as a shield to keep Mr. Mendez from being hurt any further or killed.

17. Mr. Jose Andres was stabbed 17-times 4-times to his left arm, 2-to his left back, 1-to spine, 2-to right shoulder back, 1-to the ribs and 7-to the right arm.
18. Plaintiff Mr. Herman Moreno was stabbed in the leg and hip on the left side and right inner thigh. He was also hit with a hatchet in his head on the right side, by his eye, and received 9-stitches, and right hand between his thumb and index-finger. He received 9-stitches in his hand and permanent nerve damage, where he can no longer close his thumb into a fist.
19. It took ten minutes before the guards could get into the pod to help us. The three of us helping each other to survive this traumatic event. I thought I was going to die.
20. As we were being escorted to our cells the black inmates were saying "we were waiting to get you wet-backs" out of here.

21. As we were fighting for our lives the other black inmates were stealing our property out of our cells. When we were placed in our cells we seen that all our property was gone.
22. The officers that finally came into AE to get everything under control said they were going to drop gas bombs in the pod from the ceiling.
23. After we were placed in our cells the officers then open the pie-flap on the cell door and threaten to shoot us with their paint/gas-ball guns. We were no threat to them. We were bleeding from our wounds.
24. Chief Mitchell and Lt. ~~Mandy~~ seen and knew Sgt. Dyer let both Top and Bottom walk/tier out. They seen everyone out of their cell through the picture windows. Yet they did not enforce TDOC policy #506.14 Tier Management which lead to the Mexican's receiving serious bodily injuries.

25. When we were brought back from the hospital we were moved to segregation pods, while all these black inmates were allowed to stay in AE pod and still allowed to come out of their cells with the rest of the inmates to receive recreation time with both the top and bottom tier in violation of TDOC policy #506.14. While the Mexicans were being punished.
26. While Mr. Hender and Mr. Andres were in segregation, the sprinkler-head popped off and soaked them, and their bed linen. The officers refused to replace their bed linen and clothes.
27. They were also denied the medicine the doctor at the hospital prescribed to them for their injuries.
28. Sgt. Dyer told us that if it wasn't for him the black inmates would have killed us. If Sgt. Dyer would never have let both top and bottom tier/walk out at the same time this would not have happen. And if Chief Mitchell and Lt. Manday would have enforced TDOC policy #506.14 Tier Management when they seen Sgt. Dyer let both top and bottom out, this violent assault would

never had happen.

29. On April 28, 2025 Mr. Mendez and Mr. Andres filed grievances on the above mention. (See attached Exhibit A grievance #7863-372662 filed by Mendez and Exhibit E grievance #7865-372664 filed by Andres). Both appealed the Grievance Chairperson Mrs. Christian's/Supervisors response, on May 13, 2025 with an Amendment, with names, of officers.

30. On April 28, 2025
4/28/25 Mr. Moreno filed his first grievance on the above mention. (See attached Both grievances, Exhibit F, filed on May 21, 2025, this would be his second grievance filed.)

31. Grievance Chairperson Christina Christian has made it a routine habit to not process inmate grievances. (See attached Affidavit from Mr. Clark Exhibit G, and Affidavit from Mr. Downs Exhibit H) Both these Affidavits give information how their grievances have not been processed, threats to them and being assaulted.

First, Eighth And Fourteenth Amendments
Being Violated

32. Chief Mitchell is in Alpha Building on a regular bases, and observes the inmates in AE Close Custody are all out on a regular bases. She knows that this is in violation of TDOC/Core Civic policy #506.14 and yet does nothing to correct this.
33. Lt. ~~Munday~~ allows Sgt. Dyer to let both top and bottom tier in AE out at the same time in violation of TDOC/Core Civic policy #506.14.
34. When Sgt. Dyer exited AE pod leaving it unsupervised, this violated TDOC/Core Civic policy #506.14.
35. Because Chief Mitchell, Lt. ~~Munday~~ and Sgt. Dyer knew that TDOC/Core Civic policy #506.14 says that the top tier/walk shall not be allowed out of their cells for pod/dayroom activities at the same time as the bottom tier/walk, but still allowed this, this is Deliberate Indifference to these inmates safety and well being.

36. Since Grievance Chairperson Mrs. Christian has made it a habit not to process inmates grievances, this is denying inmates their First Amendment to file a grievance, which also denies them the right to Due Process under the Fourteenth Amendment.

VII. Requested Relief

1. Damages

a. Compensatory Damages

1. Award Compensatory Damages against Core Civic for not training and enforcing its employees to enforce TDOC/Core Civic policies and being Deliberate Indifferent to Plaintiff's safety and well being. Plaintiff request for \$100,000.

2. Award Compensatory Damages against Chief Mitchell, Lt. ~~Mandy~~ and Sgt. Dyer for not enforcing TDOC/Core Civic policies and being Deliberate Indifferent to Plaintiff's safety and well being. This goes for Mrs. Christian for not processing Plaintiff's grievance. Plaintiff request for \$100,000 from each of these defendants.

b. Punitive Damages

1. Award Punitive Damages against Core Civic for not training and enforcing its employees to enforce TDOC/Core Civic policies and being Deliberate Indifferent to Plaintiff's safety and well being. Plaintiff request for \$100,000.
2. Award Punitive Damages against Chief Mitchell, Lt. Manday and Sgt. Dyer for not enforcing TDOC/Core Civic policies and being Deliberate Indifferent to Plaintiff's safety and well being. This goes for Mrs. Christian for not processing Plaintiff's grievances. Plaintiff request for \$100,000 from each of these defendants.

2. Injunction

1. Plaintiff request that an Injunction be ordered that Core Civic enforces defendant Grievance Chairperson Mrs. Christina Christian to start processing the grievances instead of rubber-stamping them, saying they are not grievable when it comes to a persons safety.

3. Declaratory Judgments

1. Plaintiff request that this Court give a Declaratory Judgment ordering TTCC/Core Civic to enforce TDOC/Core Civic policies. Not just one, but all of them.

V III. Certification

I Herman Moreno certify under penalty of perjury that the foregoing complaint is true to the best of my information, knowledge and belief.

Herman Moreno
Herman Moreno
415631
TTCC/Core Civic
140 Macon Way
Hartsville, Tenn.
37074

Certificate Of Service

I Herman Moreno have mailed by U.S. Postal Service a copy of the following to: Clerk, United States District Court, Middle District of Tennessee, 719 Church Street, Nashville, Tenn. 37203 on thirs 14th day of July 2025.

Respectfully

Herman Moreno
Herman Moreno
415631
TTCC/Core Civic
140 Macon Way
Hartsville, Tenn.
37074

Herman Moreno
#415631 AB203
TTC/Care Civic
140 Macon Way
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Clerk, United States District Court
Middle District Of Tennessee
719 Church Street Suite 1300
Nashville, Tenn. 37203